

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MOTION, PURSUANT TO SECTION 2255 OF TITLE 28  
UNITED STATES CODE

ATTACKING A SENTENCE IMPOSED BY THAT COURT

UNITED STATES OF AMERICA

VS.

John Sidney Rhine, Jr

(name of movant)  
(Full name under which you  
were convicted)

CASE NO.  
(To be supplied by the  
Clerk of the District Court)

INSTRUCTIONS-READ CAREFULLY

In order for this motion to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten) by the Movant, under penalty of perjury, and it shall set forth in concise form the answers to each applicable question. If necessary, Movant may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Movant shall make it clear to which question any such continued answer refers.

Since every motion under Section 2255 of Title 28, United States Code, must be made under penalty of perjury, any false statement of a material fact therein may serve as the basis of prosecutions and conviction for perjury. Movant should therefore exercise care to assure that all answers are true and correct.

If the motion is made in forma pauperis, it shall include an affidavit (page 6 of this form) setting forth information which establishes that the Movant will be unable to pay the fees and costs of the 2255 proceedings. When the form is completed, the original and 2 copies shall be mailed to

the Clerk of the District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102.

1. Place of detention Ataskadero, St, hospital, CDC

2. Name and location of Court which, and name of judge who, imposed sentence San Diego Superior Court, San Diego - unknown

3. The indictment number or numbers (if known) upon which the offense or offenses for which sentence was imposed.:

- (a) \_\_\_\_\_  
 (b) \_\_\_\_\_  
 (c) \_\_\_\_\_

4. The date upon which sentence was imposed and the terms of the sentence:

- (a) 5-17-07 Case # E25840  
 (b) 2-2 mt  
 (c) Parole

5. Check whether a finding of guilty was made:

- (a) after a plea of guilty \_\_\_\_\_  
 (b) after a plea of not guilty ✓  
 (c) After a plea of nolo contendere \_\_\_\_\_

6. If you were found guilty after a plea of not guilty, check whether that finding was made by

- (a) a jury \_\_\_\_\_  
 (b) a judge without a jury neither change to guilty plea  
After Attorney said to investigate  
and time elapsed for witnesses

7. Did you appeal from the judgment of conviction or the imposition of sentence? ✓

8. If you answered "yes" to question 7, list

(a) the name of each court to which you appealed:

- I Court of Appeals  
 11 wrote Brief - Complaint Against Attorney  
 111 for not filing evidence - Precedents  
Habeas Corpus Taken Prison Officials ERC and not returned

(b) the result of each such court to which you appealed:

- 1 upheld  
 2 upheld still pending  
 3 Dismissed Privilege (CME) Refused to sign Form papers  
 4 pending here soon

I \_\_\_\_\_  
 II \_\_\_\_\_  
 III \_\_\_\_\_

(c) the date of each such result:

I \_\_\_\_\_  
 II \_\_\_\_\_  
 III \_\_\_\_\_

(d) If known, citations of any written opinions or orders entered pursuant to such results:

I \_\_\_\_\_  
 II \_\_\_\_\_  
 III \_\_\_\_\_

9. State concisely the grounds on which you base your allegation that the sentence which was imposed on you is invalid.

- (a) if I was Given a midrange Sentence  
with the Consideration of Probation Tainted  
Why was mitigating mental used Against me  
When weapon charge was dismissed
- (b) Incompetent Assistance of Counsel there  
were only 2 Robberys not three and  
There was no Attempt to locate mitigating witnesses  
After Probation report
- (c) At no Time is Probation Report to  
Be used at Sentencing with out  
Counsel Impeaching By no Attorney at Questing

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) Spent 14 mts in Jail more than enough  
Time To locate witnesses and for them  
To present Evedence at a trial I was Suppose to Have
- (b) Same as Above on IAC See Known precedents  
P.C Charges Have To have Some factual Basis
- (c) U.S U.S Dunn

11. Have you previously filed petitions for habeas corpus motions under section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction? ✓

12. If you answered "yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof:

I \_\_\_\_\_  
11 \_\_\_\_\_  
111 \_\_\_\_\_

(b) the name and location of the court in which each was filed:

I \_\_\_\_\_  
11 \_\_\_\_\_  
111 \_\_\_\_\_

(c) the disposition thereof:

I \_\_\_\_\_  
11 \_\_\_\_\_  
111 \_\_\_\_\_

(d) the date of each disposition

I \_\_\_\_\_  
11 \_\_\_\_\_  
111 \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

I \_\_\_\_\_  
11 \_\_\_\_\_  
111 \_\_\_\_\_

13. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under section 2255 of Title 28, United States Code, or any other petition, motion or application? no

14. If you answered "yes" to (13), identify

(a) which grounds have been previously presented:

I  
11  
111

(b) the proceedings in which each ground was raised:

I  
11  
111

15. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? yes

(b) your trial, if any? yes

(c) your sentencing? yes

(d) your appeal, if any, from the judgment of conviction of the imposition of sentence? yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? no

16. If you answered "yes" to one or more parts of (15), list

(a) the name and address of each attorney who represented you:

I  
11  
111

Can't remember Paperwork confiscated at CRC  
Appellate Defenders R-Book out

WHEREFORE, movant prays that the Court grant movant relief to which he may be entitled in this proceeding.

Signed under penalty of perjury John Rhine at Ataskadero St Hosp

7-25-08  
Date

John Rhine  
Signature of Movant

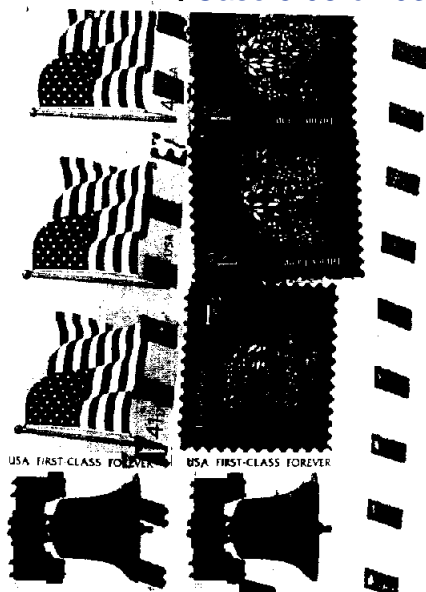
John Rhine  
Unit 3 A+57501-9  
ATASKADERO ST HOSP  
P.O. Box 7000  
ATASKADERO, CA 93423-7001

SANTA BARBARA CA 931

AUG

7

2008



Legal mail

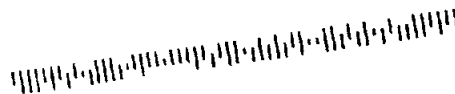
Office of the clerk us district  
Northern Dist of California  
450 Golden Gate Ave  
SAN FRANCISCO CA 94102

2255 motion  
RECEIVED

AUG 11 2008

Office of the Clerk  
U.S. District Court  
Northern District of California  
CR

55



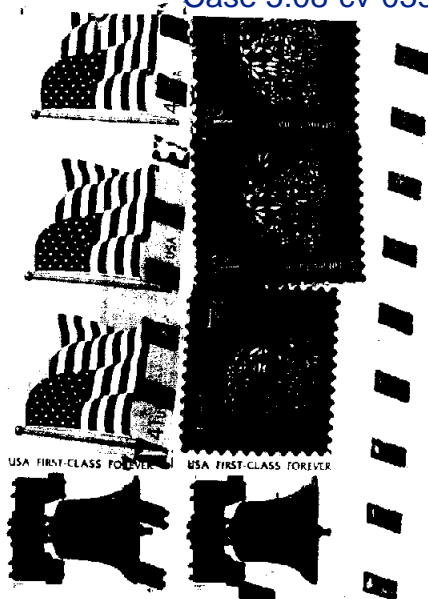
John Rhine  
Unit 3 A+ 57501-9  
ATASKADERO ST HOSP  
P.O. Box 7000  
ATASKADERO CA 93423-7001

SANTA BARBARA CA 931

AUG

7

2008



Legal mail

Office of the Clerk US District  
Northern Dist of California  
450 Golden Gate Ave  
SAN FRANCISCO CA 94102

2255 motion  
RECEIVED

AUG 11 2008

U.S. District Court  
Northern District of California  
San Francisco, CA

CR

SS